REMARKS

A. Amendments in the specification

Amendment of the title is requested to provide a title more clearly aligned with the scope of the invention as set forth in the claims. In particular, "chronic headache," recited in the original title, is only one embodiment of CSD-associated conditions addressed by the invention.

Insertion of a new paragraph on page 1 is requested to provide cross-reference to, claim benefit of, and incorporate by reference prior applications in accordance with 37 C.F.R. §§ 1.55, 1.57(a) and 1.78(a).

B. Amendments in the claims

The following claims are now pending in the present application: Claims 1–40. Claims 1–38 are amended from those originally filed in the international application. Claims 39 and 40 are new according to this amendment.

Claims 1–36 are amended from "Swiss-form" to recite, in each case, a therapeutic method. Claim 1, in independent form, now recites "A method for preventing or treating a condition associated with cortical spreading depression (CSD) in a subject ...". Claims 2–36, in dependent form, now recite "The method of" an antecedent claim, as does newly added Claim 40.

A "Swiss-form" claim as originally filed, reciting use of a compound in preparing a pharmaceutical composition useful for a particular therapeutic method, is generally accepted to provide support for the therapeutic method in question, comprising administration of said compound. In the present case, the method in question is found near the end of Claim 1 as originally filed, *viz.*, "prevention, alleviation [or] treatment of headache [or] painful conditions associated with [or] caused by cortical spreading depression (CSD)."

Literal support for a therapeutic method also occurs in the specification as filed. See, for example, the paragraph at page 25, lines 28–31.

Opportunity has been taken when preparing the present amendment to correct obvious typographical errors or errors in translation, and to add further clarity to the claims by rewording or repunctuating where appropriate. The phrase "or/and" has been replaced with "or" throughout the claims, only for ease of reading. Scope of claims is not affected by this change, as it will be

understood that the word "or" embraces "and" unless there is an express statement to the contrary. Further, the phrase "prevention, alleviation or/and treatment" has been replaced throughout, without change in meaning, with the more concise "prevention or treatment", it being noted that the term "treat" is defined in the specification at page 31, lines 28–29 as embracing alleviating a condition.

In Claims 26, 27, 29 and 31, phrases reciting "preferred" embodiments within the primary embodiment of the claim have been deleted in accordance with accepted U.S. claim-drafting practice. Claims 34 and 38, each previously reciting two options (single versus separate dose forms), have been amended to recite only one of these options (single dose form in each case), and the other option (separate dose forms) has become the subject of new Claims 39 and 40. This change provides greater clarity.

Claim 19 is amended to specify that R_2 in the formula for the subject compound is hydrogen. Previously R_2 was not specified in Claim 19. Support for R_2 being hydrogen is found in the specification as filed, at least at page 21, line 8, and in Formula (IIb) at page 22, line 15, where "H" is shown as the substituent corresponding to "R_2" in Claim 19.

Claim 37 is amended to recite a "therapeutic combination" as opposed to a "pharmaceutical composition". This amendment is requested to avoid possible ambiguity. A "pharmaceutical composition" might be interpreted, incorrectly in the present instance, as requiring that the two recited components be present together in a single dose form. That this limited interpretation was not intended by the original drafter is clear from original Claim 38, which recites, as one option, having the components in separate dosage forms, and which is dependent from Claim 37. Support for a "combination" is found in the specification as filed, at least at page 27, lines 28–29: "... administering a compound of the present invention in combination with administering a further active agent ...".

No new matter is added, and no changes in inventorship are believed to result, by the present amendment. Examination of the present application is requested following entry of this amendment.

Respectfully submitted,

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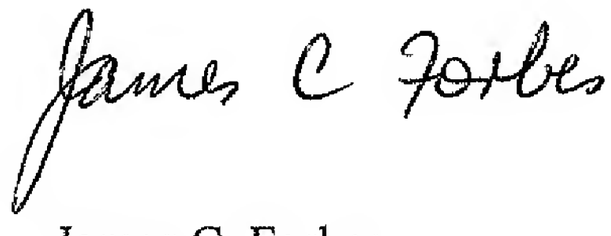

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